

VERMONT TOBACCO EVALUATION AND REVIEW BOARD
BOARD MEETING

Wednesday, November 12, 2008 3:00 p.m. – 5:00 p.m.

The Pavilion Building, 109 State Street, Montpelier
Governor's 4th Floor Conference Room

MINUTES

Minutes appear in italicized typeface

Present: Edna Fairbanks-Williams, Todd Hill, Dani Carey, Kate Larose, Christy Mihaly, Marcia Lawrence, Amy Brewer, Brian Flynn, Greg MacDonald, Chris Finley, Patsy French

Members of the Public Present: Rebecca Ryan, ALA; Jill McDermott, WSAVT

Public Comment (10 min)
None

Approval of Minutes (5 min)
The October minutes should include a statement that the Board asked the Enforcement Committee to develop formal language regarding fines for possible inclusion in the Board's annual report, and that the Committee should bring this language to the next meeting. The meeting minutes of May are APPROVED. Meeting minutes of October are APPROVED AS REVISED.

Announcements (Brian) (10 min)
Brian, Ted, and Stephen will meet with AHS leadership this Friday to present the Board's FY2010 budget recommendations and discuss access to NRT by Medicaid participants. Also, we are paying close attention to the State budget with regard to tobacco issues.

Youth Access Policy Recommendations (Christy)

- Update on Committee Progress (20 min)
- Review/Discuss Draft Language for Annual Report - VOTE (20 min)

Christy updated the Board with a summary of work to date: The committee's recommendation is to increase penalties for retailers who sell tobacco to minors, and also increase penalties for minors who violate laws against their purchase, use, and possession of tobacco (PUP). This recommendation comes from several years of discussion and study with the goal of further reducing retail tobacco sales to minors. The Board at the October meeting asked the Enforcement Committee to meet again to discuss alternatives to fines for minors who violate tobacco statutes. The Committee indeed met to discuss this and

reviewed relevant research and literature. It is not clear which alternatives make a difference in reducing youth sales and/or smoking rates. The Committee discussed possibilities of a diversion program and other options such as community service. The alcohol diversion program is already well established. The Committee does not want to require teens who violate smoking laws to participate in tobacco cessation programs that are structured as voluntary programs. The Committee suggests that the Board recommend that the legislature increase fines for retailers and minors and consider further study to learn more about alternatives to fines for minors; the committee does not have a definitive recommendation regarding alternatives to fines for minors at this time. The AG's office will have an intern who can work on this project in the coming year.

Q: Is there any evidence that diversion works better than fines? A: Various literature and studies suggest different findings. Greg suggested that this seems to be a large amount of work to reach a small population.

Christy brought the Board's attention to the draft language for the annual report (with regard to fines and penalties). Inclusion of this language in the annual report would put the Board on record as supporting these broad principles, including the recommended increases in fines for retailers and minors, and convey the Board's policy moving forward. Chris Finley asked about the measures the courts might take after an offense to direct a minor to an alternative penalty. There is currently no statutory mechanism to do so. Kate reported on some of the research about fines to minors for PUP. There was an idea about changing the signage for retailers. Brian reminded the Board that the details could be sorted out in the legislative session, and that the Board should take a position.

GREG: MOTION TO ADOPT THE COMMITTEE'S DRAFT STATEMENT AS THE POLICY OF THE BOARD. EDNA: SECONDED. SHOW OF HANDS: THOSE IN FAVOR: EIGHT. THOSE OPPOSED: TWO. NO ABSTENTIONS. The statement will go into the Annual Report. The Board anticipates ongoing discussions with multiple parties as we move forward with further refinements of the policy recommendations concerning alternatives to fines for minors.

Board support of "Closing the Loophole" - VOTE (10 min)

- Presentation/Discussion of Statement: "Strengthen the Smoke Free Workplace Act by prohibiting smoking in all indoor workplaces" proposed by the Coalition for a Tobacco Free Vermont

The Coalition's effort to "close the loophole" was discussed at the last meeting; the Coalition has since developed a more focused statement (as captured generally in the bullet above). Q: Would you be happy with the statement as

written? A: Amy: Yes, but there may be nuances to this position, such as smoking in private hotel rooms and other unique situations. Q: Can the Board adopt the general principle? Rebecca Ryan mentioned that the Board recommended this effort last year and that a “workplace” is already defined in the statute. [AMY: MOTION THAT THE BOARD REAFFIRM ITS PRIOR POSITION SUPPPORTING STRENGTHENING THE SMOKE FREE WORKPLACE ACT BY PROHIBITING SMOKING IN ALL INDOOR WORKPLACES. ALL IN FAVOR, NO ABSTENTIONS.

Evaluation Committee/ Site Visit Update (Ted) (10 min)

Ted is at a conference for physicians and healthcare partners. Stephen updated the Board with regard to the Evaluation Committee activities and the upcoming site visit. The Committee is working toward specific measures to evaluate the latest media campaign “Your Quit. Your Way.” RTI continues to conduct the evaluation for the Department of Education grantees and the community coalitions. Methodologies include surveys, interviews, focus groups, and reviews of policies. The Committee will share data and reports over the winter and spring. The RTI site visit will occur on December 9th in Waterbury and December 10th in Burlington. Stephen summarized the activities to take place and will send out the agenda and a more formal invitation within the next few days. Board members, partners, and stakeholders are encouraged to participate.

Upcoming Annual Report Approval Process (Brian) (10 min)

The executive summary of the Board’s Annual Report will need to be approved by the Board in December. However, the Board will not be meeting in December due to the site visit activities. Brian suggested that no phone call or face to face meeting would be needed. Instead, Stephen will send out a draft executive summary to the Board. Members can then send comments and suggestions for edits. If significant edits are suggested, another draft would be circulated. If there are minor suggestions for edits (or none), they will be made and the document will be considered “approved”. The Board members generally agreed to this process and that it would begin in mid-December.

Other Business (5 min)

The program evaluation of the earmarked cessation program for pregnant women will be contracted out. The VDH sent out the RFP today. In terms of the program outputs, WIC clinics will be undergoing training, and other related activities. The funds were taken from the cessation line item.

Stephen highlighted the 2009 Board meeting schedule in the handouts. [This is also available on the Board's website]. There may be a conflict in June, and we will explore that further.

Christy moved to adjourn.

Meeting Adjourned at 4:17 p.m.

Minutes submitted by Stephen Morabito.

Minutes reviewed by Brian Flynn.

Materials for Discussion:

- VTERB Meeting Minutes (May and October, 2008)
- Draft Language for Annual Report (Re: Youth Access Policy)
- Coalition for a Tobacco Free Vermont Smokefree Workplace Resolution